IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1205 OF 2005
IN
WRIT PETITION NO. 3378 OF 2004

Shri Deepak Dhansing Patil. ... Appellant.

V/s.

1. Shri Girish Damodar Deo,

2. Shri Nitin Damodar Deo. ... Respondents.

Ms.Revati Mohite Dere for the petitioner.

CORAM : V.C.DAGA, J.

DATED : 5th May 2005.

P.C. :

. When Writ Petition No.3378 of 2004 was heard it was felt that the petitioner should have challenged the order dated 12th February, 2004; wherein the prayer made by the petitioner for return of plaint for presenting it to the appropriate Court was rejected. At that point of time, the petitioner had sought liberty to withdraw this petition basically with an idea to challenge the order dated 12th February, 2004. The petitioner was, accordingly, permitted to withdraw that petition. Since the order dated 12th February, 2004 was independent order independent of the order dated 27th February, 2004 passed below Exh.49 in R.C.S.No.268/1999, the petitioner did not pray for liberty to challenge

that order. This Court also did not feel it necessary to grant any such liberty to challenge the order dated 12th February, 2004 since the challenge to the said order was to be an independent challenge. In this view of the matter, it is clarified that the petitioner had sought permission to withdraw the petition with liberty to challenge the order dated 12th February, 2004 and, in that view of the matter, the petitioner was permitted to withdraw the petition.

. Since this application in writ petition was moved for clarification and since both writ petitions were tagged together, Writ Petition No.3790/2004 also appeared with this application. Writ Petition No.3378/2004 has already been disposed of. With the above clarification the civil application is disposed of with no order as to costs. Registry to take necessary steps.

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